

ORIGINAL

United States District Court
Eastern District of New York

Ann Burton,
Plaintiffs,
-against-

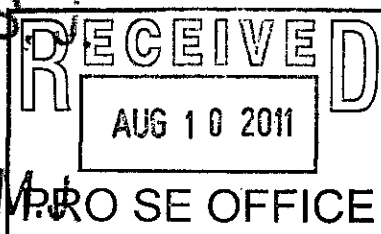
CV 11-4071

Complaint

Jury Trial ☒ Yes ☐ No

New York Police Department,
Officers Vega #14345, and
Cully #27276 of the 107th
Precinct.

TOWNES



Defendants.

BLOOM, M.P.

In Parties in this Complaint

Plaintiff:

Name: Ann Burton

Street Address: 196-150 65th Crescent #1B

County, City: Queens, Fresh Meadows

State & Zip Code: New York 11365

Telephone Number: None

Defendant No. 1:

Name: New York Police Department

Street Address: 1 Police Plaza

County, City: New York

State & Zip Code: New York 10038

Telephone Number: (646) 610-5000

Defendant No. 2:

Name: Officer Vega #14345

Street Address: 71-01 Parsons Blvd

County, City: Queens, Fresh Meadows

State & Zip Code: New York 11365

Telephone Number: (718) 969-5100

Defendant No. 3 Name: Officer Cully #27276
Street Address: 71-01 Parsons Blvd
County, City: Queens, Fresh Meadows
State & Zip Code: New York 11365
Telephone Number: (718) 969-5100

II. Basis for Jurisdiction

A. What is the basis for federal court jurisdiction?

☒ Federal Question

☐ Diversity of Citizenship

B. If the basis for federal court jurisdiction is questions, what is the federal, Constitutional, Statutory or treaty right at issue?

1. Plaintiff, Ann Benton, informed NYPD 107th Precinct, in 2010, and defendants that she was engaged in protected activity.

2. On August 1, 2011, Plaintiff drank tap water from her apartment and experienced severe abdominal pain as she did on the previous night of July 31, 2011. Plaintiff telephoned the Fresh Meadows LLC service department and reported the problem to Joseph, and left a message for Supervisor Susan Brown to call back. Immediately, thereafter, plaintiff observed a hispanic male, talking to someone as he entered the basement of plaintiff's building. Plaintiff verified with Joseph, that there was no service order for her building or basement on August 1, 2011 at PM, nor on July 28, 2011 at 8:30 PM when plaintiff heard someone cutting

a pipe in the basement. Supervisor Susan Brown never returned plaintiff's call. Plaintiff called FM LLC Security, who dispatched three personnel, and then called 911, and Poison Control.

Officers/Defendants Vega and Cully were dispatched and refused to take plaintiff's complaint and generate a report. Cully said this is a DEP matter and not a NYPD matter. I informed defendants of the Court's Order and presented the death threat evidence, which Defendant Cully said he would not make a report for a month old incident. (EX 1)

Defendants retaliated against plaintiff for exercising her Constitutional rights and denied her the right to life, liberty, property, due process, as similarly situated tenants and citizens.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the State of Citizenship of each party?

Plaintiff(s) State(s) of Citizenship

Defendant(s) State(s) of Citizenship

Non-applicable

III. STATEMENT OF CLAIM

1. Plaintiff is Black, age 57, color brown, American. Defendants discriminated against plaintiff for her demographics when they failed to generate a report.

- 2) Defendants retaliated against plaintiff when she disclosed ongoing protected activities, and they refused to generate a medical emergency complaint.
- 3) Defendant NYPD, on numerous occasions, have violated Plaintiff Constitutional rights by its refusal to generate a complaint and altered complaint of plaintiff, which was reported to the Civilian Complaint Review Board and Police Plaza to no avail.
- 4) Plaintiff reports to FM LLC Andrew Weissman, Apartment manager for plaintiff; Ari, general manager; and Susan Brown, Service and Maintenance Supervisor have all failed and refused to address plaintiff's requests, since Monday August 1, 2011, to inspect basement pipes leading to her apartment, to observe white residue in plaintiff's water, and to take a sample.
- 5) Defendants violated plaintiff's Constitutional rights to life, liberty, and property. Defendants failed and refused to generate a report per plaintiff's request.

IV

INJURIES

- 1) Defendants willful, unlawful conduct has caused plaintiff undue emotional, mental and physical distress.
- 2) Defendants unlawful misconduct has caused plaintiff future emotional, mental, physical distress.
- 3) Defendants illegal misconduct in violation of plaintiff's Constitutional rights, has degraded plaintiff of due process,

Life, liberty and due process.

4) Plaintiff visited physician and was prescribed medication for throat irritation, which plaintiff is unable to afford.

I

RELIEF

- 1) Plaintiff seeks sanctions to the fullest extent of the law for violation of her Constitutional Rights.
- 2) Plaintiff seeks monetary compensation in the amount of \$ 50,000,000 dollars for plaintiff's life changes as a result of their failure to carry out the laws of the land.
- 3) Plaintiff seeks punitive damages in the amount of \$ 100,000,000 dollars for defendants abandonment of duties.
- 4) Plaintiff seeks damages to serve as an example and deterrent for defendants failure to serve and protect the citizens of New York including Plaintiff.

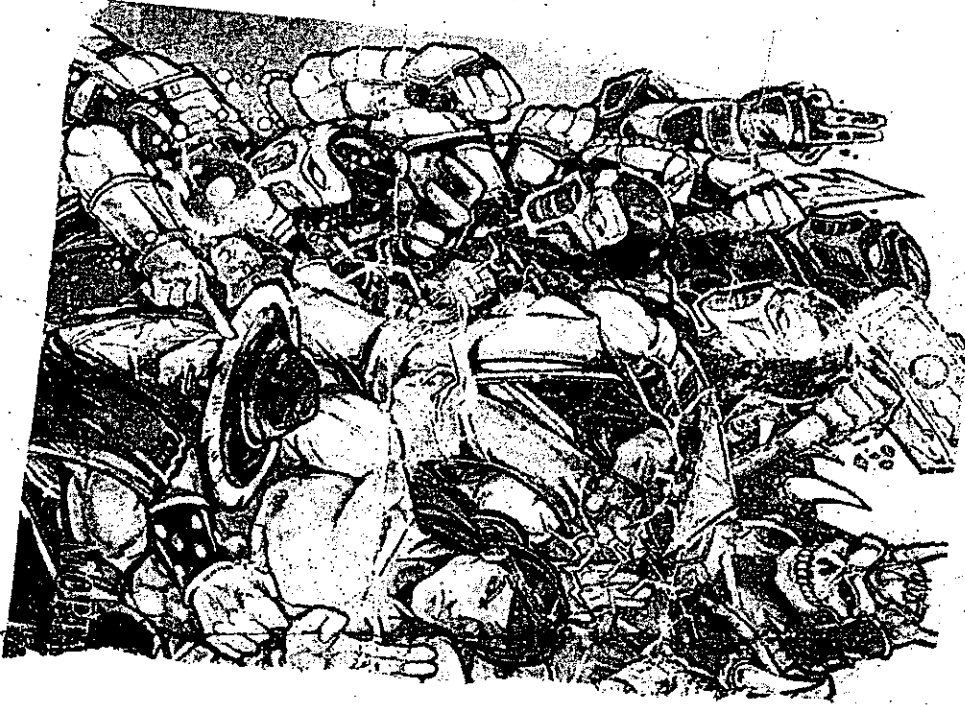
WHEREFORE, plaintiff respectfully pray for the Courts immediate intervention, and uphold any and all rights of plaintiff, guaranteed under the U.S. Constitution, including an Order of Protection. Plaintiff forgives all of her enemies and prays that God does the same.

I declare under penalty of perjury that the foregoing is true and correct

Respectfully submitted,
Ana Binton, RN, PhD
196-150 65th Crescent #1B
Fresh Meadows, NY 11365

Dated:
August 5, 2011

EX 1



Death Threat
Received 6/30/11
in Federal Courtroom
11A.

7

August 5, 2011

Ann Burton Pro Se

Documents via Fed Ex # 914609815001024

1- White Glove complaint (2) 16 pages

2- 8/5/11 ltr to C. Amori 2 pages

3- 7/25/11 ltr to H/Kolko 1 page

4- Complaint EEOC (2) 10 pages

5- AFGE Amended (2) 21 pages

6- NYPD Complaint (2) 7 pages

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 10 2011 ★

BROOKLYN OFFICE